

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Alfred HEINRICH Atty. Ref.: **2549-6**

Serial No. **09/777,866** Group: **Ahmad**

Filed: **February 7, 2001** Examiner: **Unknown**

For: **PLASTIC COMPONENT WITH A HIGH FILLING GRADE**

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July 9, 2003

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE

Sir:

The following comments and attachments are intended to be in complete response to the issues raised in the Examiner's Official Action dated April 9, 2003.

In this regard, the Examiner has alleged that the specification as originally filed is deficient under 35 USC §112, first paragraph. Specifically, the Examiner asserts that the phrases "plastic component with a high filling grade" and "basic body" have not been described sufficiently in the originally filed specification so as to render the same non-enabling. Applicant emphatically, but respectfully, dispute the Examiner's allegations.

Quite frankly, applicant is perplexed that the Examiner could not possibly have searched the art based on the disclosure appearing in the specification. That is, more than adequate disclosure exists in the specification so as to render the same statutorily enabling.

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It is axiomatic, of course, that an applicant may be his/her own lexicographer.¹ Here, there really is no issue as to the meaning of the phrases which the Examiner finds objectionable. For example, at page 1, second paragraph, the applicant has defined the phrase "plastic component with a high filling grade" as meaning "...**components with a material embedded in a plastic matrix.**" In other words, such a phrase means plastic components with a high amount of filler. Or to use even other words, *filled* plastic components.

The applicant did not stop there however. Indeed, the applicant disclosed that the "embedding" (or filler) material may be permanent magnetic particles for the manufacture of a plastic bonded permanent magnet. Thus, a skilled person would immediately understand from the specification that the amount of filler in the plastic matrix is that amount to render the composite filled plastic component permanently magnetic.

Similarly, more than statutorily adequate disclosure appears in the originally filed specification with regard to the meaning of "basic body". Specifically, examples of the "basic body" are stated on page 1, ultimate paragraph as being "ring shaped" or "bush shaped". See also in this regard, page 2, ultimate paragraph, page 4, second paragraph, and the depictions of the metallic basic bodies 5, 6, 7, 8, 9 and/or 10 shown in the originally filed drawing Figures. Simply stated, the originally filed specification make it abundantly and unequivocally clear that the term "basic body" refers generically to virtually any structural component to which the filled plastic component (i.e., the "plastic component with a high filling grade") is attached via at least one intermediary 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22 and/or 23. (See page 5, third paragraph et seq.)

¹ *ZMI Corp. v. Cardiac Resuscitator Corp.* 6 USPQ2d 1558 (Fed. Cir. 1988); *Fonar Corp. v. Johnson & Johnson*, 3 USPQ2d 1109 Fed. Cir. 1987).

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Hence, in view of the above, the Examiner's assertion that the originally filed specification is statutorily non-enabling is without merit.

Moreover, similar terms such as "high-grade plastic component" and "basic body" to mean a plastic-bonded permanent magnet and a substrate structural component were employed in applicant's prior-issued U.S. Patent No. 6,259,343². Surely, it cannot be this Examiner's position that the '343 patent is invalid under 35 USC §112, first paragraph.

In view of the remarks and attachments hereto, applicants suggest that this application is entirely enabling under the purview of 35 USC §112, first paragraph. Hence, withdrawal of the Examiner's rejection based on this statutory provision is in order.

An early and favorable reply on the merits is awaited.

Respectfully submitted,

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² A copy of the '343 patent is attached and noted on an appropriate form PTO-1449 for the Examiner's convenience.